

NOV 06 2013

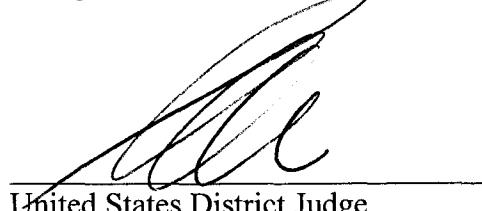
JULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

KAMANI SUN,) Civil Action No. 7:13cv00488
Plaintiff,)
)
v.)
)
DIRECTOR OF THE DOC,) MEMORANDUM OPINION
Defendant.)
) By: Samuel G. Wilson
) United States District Judge

Kamani Sun, a Virginia inmate proceeding *pro se*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against the Director of the Department of Corrections (the “Director”). Sun alleges that he was denied a fair and just parole hearing. However, Sun does not allege any facts against the Director in his complaint. See Fisher v. Washington Metropolitan Area Transit Author., 690 F.2d 1133, 1142-43 (4th Cir. 1982) (Section 1983 requires a showing of personal fault on the part of a defendant, based either on the defendant’s personal conduct or another’s conduct in execution of the defendant’s policies or customs). Further, the Director is not responsible for the decision to grant or deny a person parole or the hearings in such matters. See Va. Code § 53.1-140 (defining powers and duties of the Director), § 53.1-136 (defining powers and duties of the Parole Board); Virginia Parole Board Policy Manual, Section II, Subsection G (explaining the parole decision). Accordingly, the court dismisses Sun’s action without prejudice pursuant to 28 U.S.C. § 1915A(b)(1) for failure to state a claim against the named defendant.

ENTER: This 6th day of November, 2013.



United States District Judge